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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/547,992	06/13/2006	Roland Verreet	BE-164PCT	8220
40570	7590	01/04/2011	EXAMINER	
Lucas & Mercanti LLP 475 Park Avenue South New York, NY 10016			GRAY, JILL M	
			ART UNIT	PAPER NUMBER
			1798	
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			01/04/2011	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/547,992	<b>Applicant(s)</b> VERREET, ROLAND	
	<b>Examiner</b> Jill Gray	<b>Art Unit</b> 1798	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 25 October 2010.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 11-25 is/are pending in the application.
- 4a) Of the above claim(s) 24 and 25 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 11-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. Pursuant to the entry of the amendment of October 25, 2010, the status of the claims is as follows: Claims 11-25 are pending. Claims 24-25 are withdrawn.

#### ***Response to Amendment***

2. The rejection of claims 11-23 under 35 U.S.C. 103(a) as being unpatentable over Chiappetta et al., 4,120,145 in view of Peterson et al., 3,130,536 is moot in view of applicants' amendment. In particular, while Chiappetta discloses that his wire strands are deformed, he also teaches that each of his strands retain its substantially round geometry.

#### ***Claim Rejections - 35 USC § 103***

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claims 11-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Misrachi 6,385,957 B2 in view of Naud et al., 3,822,542 (Naud).

#### **Regarding Independent claim 11**

Misrachi discloses a process producing a wire rope, the method comprising prior to stranding an outer strand layer, applying an intermediate layer of a plastic material to the core strand and pressing the outer layer into the plastic material during stranding. See entire document, and for example, the abstract and column 3, lines 14-35.

Misrachi does not disclose deforming the wire rope by hammering after stranding the outer strand layer.

Naud teaches a method of forming a swaged wire rope comprising winding a plurality of strands about a core and swaging so that the gaps between the strands are filled and a smooth, void-free exterior surface of the rope is obtained. See entire document, and for example, abstract and column 2, lines 33-46 and column 3, lines 50-60. In addition, Naud discloses in Figures 3 and 5 that the outer strands have substantial deformation in areas that are located in the wire cable substantially more inwardly than the wire sections located at the cable circumference.

It would have been obvious to one having ordinary skill in the art to modify the method of Misrachi by including a method step of hammering the strand after stranding in order to compact the wire rope and produce a void-free exterior surface.

**Regarding dependent claims 12-20**

As to claim 12, Misrachi discloses compressing the outer strand into the plastic layer. Naud would have provided motivation to the skilled artisan to hammer the wire rope after stranding to further compact the wire rope. This also results in a high density rope.

As to claim 13, it would have been obvious to heat the thermoplastic material to facilitate pressing the outer strands into this layer.

As to claim 14, Misrachi discloses that the outer layer strands are comprised of stranded wires have a core wire and a layer of strands. Note Figure 1.

As to claim 15-16, these claims are drawn to the specific material of the strands, but do not further define specific processing steps. Naud teaches the utility of stranded wires having highly flexible core materials. See column 2, lines 1-18. It would have

Art Unit: 1798

been obvious to the skilled artisan during routine experimentation to choose the specific strand materials commensurate with the end product. However, the specific strand material does not affect the process steps of stranding an outer layer wire strand around an intermediate thermoplastic layer and pressing said strand into said thermoplastic layer, followed by deformation by hammering. Accordingly, these limitations are not construed to be a matter of invention.

As to claims 17-20, Naud teaches that the swaging operation is generally known and consists of a succession of rapid hammer blows to result in a reduction of diameter. This teaching renders obvious the requirement of present claims 17-20. See column 3, lines 50-58.

5. Claims 21-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Misrachi 6,385,957 B2 in view of Naud et al., 3,822,542 (Naud) in view of Hughes et al., 3,800,522 (Hughes) .

Misrachi and Naud are each as set forth above but do not teach a surface treatment after hammering.

Hughes teaches wire ropes comprising a core, intermediate layer of plastic material and an outer strand layer pressed into the plastic material, and further teaches that an outer jacketing layer can be included. See Figures 4, 10 and 12 and column 6, line 55 through column 7, and line 27 and column 8, line 60 through column 9, line 5.

It would have been obvious to one having ordinary skill in the art to modify the method of Misrachi in view of Naud by including the process step of coating the wire

Art Unit: 1798

rope after swaging, with an outer jacket as taught by Hughes, to further protect the rope from corrosive substances.

### ***Response to Arguments***

6. Applicant's arguments with respect to claims 11-23 have been considered but are moot in view of the new ground(s) of rejection.

No claims are allowed.

### ***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jill Gray whose telephone number is 571-272-1524.

The examiner can normally be reached on M-Th and alternate Fridays 10:00-6:00.

Art Unit: 1798

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rena Dye can be reached on 571-272-3186. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jill Gray/  
Primary Examiner  
Art Unit 1798

jmg